

REMARKS

Please cancel Claims 5-8, 10-12, 14-16 and 18, without prejudice. Claims 1-4, 9, 13, 17 and 19-26 remain pending in the application. It is gratefully acknowledged that Claims 3, 4, 7, 8, 15, 16, 22 and 26 have been objected to, but would be allowable if rewritten in independent form to include the limitations of their base claim and any intervening claims.

The Examiner and the draftsperson objected to the drawings. Corrected formal Figs. 3, 4, 6, 13 and 14 are annexed hereto. Withdrawal of the objections is respectfully requested.

The Examiner rejected independent Claims 1, 5, and 13 under 35 U.S.C. §103(a) as unpatentable over Smith in view of Zehavi. The Examiner rejected independent Claims 9, 11 and 17 under 35 U.S.C. §103(a) as unpatentable over Madhow in view of Ames and further in view of Smith. The Examiner rejected independent Claims 19 and 23 were rejected under 35 U.S.C. §102(e) as anticipated by Smith. The Examiner rejected Claims 22 and 26 under 35 U.S.C. §112, second paragraph.

Regarding the rejections of Claims 22 and 26 under §112, second paragraph, the Examiner states "it is not understood why the 'control signal generator generates the switch control signal with length equal to an integer multiple of an orthogonal code length' if the system has no spreader and hence no need for orthogonal codes." Applicants direct the Examiner to pages 15 and 16 of the specification for an explanation as to why the control signal generator generates the switch control signal with length equal to an integer multiple of an orthogonal code length. In short, the transmission timing of the system must be maintained. Based on the foregoing, withdrawal of the rejections of Claims 22 and 26 is respectfully requested.

Independent Claims 1, 9, 13, 17, 19 and 23 have been amended to include elements of cancelled Claims 5-8, 10-12, 14-16 and 18. Based on at least the amendments, withdrawal of the rejections of Claims 1, 9, 13, 17, 19 and 23 is respectfully requested.

Independent Claims 1, 9, 13, 17, 19 and 23 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 20, 21, 24 and 25, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 20, 21, 24 and 25 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-4, 9, 13, 17

and 19-26, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

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